

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KAMILLA S. PECK,

Plaintiff,

v.

COUNTY OF ONONDAGA, NEW YORK;
ONONDAGA COUNTY SHERIFF EUGENE
CONWAY; UNDERSHERIFF JASON CASSALIA;
CHIEF KATHERINE TRASK; SERGEANT
JONATHAN SEEBER; DEPUTY KELLY
SEEBER; CHIEF DEPUTY SUSAN DeMARI;
DIRECTOR OF EMPLOYEE RELATIONS
DAWN CURRY-CLARRY; HUMAN RESOURCES
MANAGER PAUL SMITH; CAPTAIN PAULA
PELLIZZARI; CHIEF ESTEBAN GONZALEZ;
and JOHN DOE(S) and JANE DOE(S), in their
individual and official capacities as officials, officers,
agents, employees, and/or representatives of
Onondaga County and/or the Onondaga County
Sheriff's Office,

Defendants.

NOTICE OF REMOVAL

Civ. No. 5:21-CV-0651 (DNH/TWD)

Onondaga County Sup. Ct. Index
No. 004650/2021

PLEASE TAKE NOTICE, that the Defendants, County of Onondaga County, Sheriff Eugene Conway, Undersheriff Jason Cassalia, Katherine Trask, Jonathan Seeber, Kelly Seeber, Susan DeMari, Paul Smith, Paula Pellizzari, Dawn Curry-Clarry, and Esteban Gonzalez (hereinafter collectively, the "Defendants"), by and through their attorneys Bolaños Lowe PLLC (Kyle W. Sturgess, of counsel) and pursuant to 28 U.S.C. §§1331, 1367, 1441(a), 1443, and 1446(a), submit this Notice of Removal with respect to the above-captioned action which was commenced and now pending in the Supreme Court, State of New York, Onondaga County, under Index Number 004560/2021, to the United States District Court for the Northern District of New

York. For all of the reasons and on the basis of the statement set forth below, this action should be removed to this Court for all further proceedings.

Introduction and Procedural History

1. This lawsuit is a civil action involving alleged violations of Plaintiff's Constitutional rights under the First and Fourteenth Amendments pursuant to 42 U.S.C. §1983; as well as under Federal statutes including Title VII, 42 U.S.C. §2000e *et seq.*; and 42 U.S.C. §§1981, 1985 and 1986; in addition to state-law statutory claims under the New York State Human Rights Law, N.Y. EXEC. LAW §290 *et seq.*, New York Civil Rights Law §79-n, the New York State Constitution Article 1, §§8 and 11, state common-law tort theories including intentional and/or negligent infliction of emotional distress, tortious interference, and *prima facie* tort. Plaintiff's various claims originate from alleged acts of harassment, discrimination, and/or retaliation in her employment as an Onondaga County Sheriff's Deputy.

2. Plaintiff filed a Summons and Complaint in the Supreme Court, State of New York, Onondaga County, on or about May 13, 2021, with the Index Number 004560/2021. A true and accurate copy of the Summons and Complaint as filed—which upon information and belief is the sole and operative pleading in this action—is appended hereto and made a part hereof as **Exhibit A**.

3. Plaintiff served Defendants DeMari, Smith, and Pellizzari with the Summons and Complaint on or about May 20, 2021. Plaintiff served Defendant County of Onondaga (the "County") on or about May 21, 2021. Plaintiff served Defendants Conway, Cassalia, Trask, Jonathan Seeber, Kelly Seeber, and Gonzalez on or about June 1, 2021. As of the time of this Notice, no Affidavits of Service have been filed regarding the aforesaid service with Supreme Court, Onondaga County.

4. Upon information and belief, as of the time of this Notice, Defendant Curry-Clarry has *not* been served with the Summons and Complaint.

5. No other pleadings have been filed in State court or otherwise received by Defendants.

The Parties

6. Plaintiff is a Sheriff's Deputy in the employ of the Onondaga County Sheriff's Department.

7. The County is a political subdivision of the State of New York and includes among its constituent departments the Onondaga County Sheriff's Office.

8. The individual Defendants are current and/or former employees of the County.

Basis for Removal

9. Defendants file this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

10. Removal is proper in this matter because Plaintiff's suit involves alleged violations of her Constitutional and federal statutory rights, thereby raising federal questions to create subject-matter jurisdiction under 28 U.S.C. §1331.

11. Plaintiff has also alleged various supplemental state law claims and, as such, this Court has jurisdiction over those claims pursuant to 28 U.S.C. §1367.

12. As required by 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served upon Plaintiff, by and through her attorneys of record, and is being likewise filed with the Clerk of the Court, Supreme Court, State of New York, County of Onondaga.

WHEREFORE, Defendants hereby remove this action to this Court and respectfully request that this Court assume jurisdiction of the entire matter, and take such other and further steps as may be required to determine this controversy.

Dated: June 3, 2021
Pittsford, New York

BOLAÑOS LOWE PLLC

By: /s/ ***Kyle W. Sturgess***

Kyle W. Sturgess

Attorneys for Defendants

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